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ODYSSEY THERA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

VALLEY FORGE INSURANCE
COMPANY and CONTINENTAL
CASUALTY COMPANY,

Plaintiffs,

v.

ODYSSEY THERA, INC.,

Defendant.

CASE NO. C12-00227

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING BRIEFING
AND HEARING SCHEDULE FOR
CROSS-MOTIONS FOR SUMMARY
JUDGMENT AS MODIFIED**

**~~DECLARATION OF RAYMOND H.
SHEEN~~**

ODYSSEY THERA, INC.,

Cross-Claimant,

v.

VALLEY FORGE INSURANCE
COMPANY, CONTINENTAL CASUALTY
COMPANY, and SCOTTSDALE
INSURANCE COMPANY,

Cross-Defendants.

Pursuant to Local Rules 6-1, 6-2 and 7-12 of this Court, Plaintiffs VALLEY FORGE INSURANCE COMPANY and CONTINENTAL CASUALTY COMPANY (collectively, “Plaintiffs”) and Defendant ODYSSEY THERA, INC. (“Odyssey”) hereby stipulate as follows:

1. On June 8, 2012, Plaintiffs filed a Summary Judgment Motion (“Plaintiffs’ Motion”) with a hearing date of July 27, 2012.
2. Odyssey’s Opposition to Plaintiffs’ Motion is due on June 22, 2012. Plaintiffs’ Reply re Plaintiffs’ Motion is due on June 29, 2012.
3. On June 11, 2012, the Court notified the parties that the hearing on Plaintiffs’ Motion was continued from July 27, 2012 to August 31, 2012, but the briefing schedule remained unchanged.
4. Odyssey intends to file a Cross-Motion for Partial Summary Judgment (“Odyssey’s Motion”) against Plaintiffs. As set forth in the attached Declaration of Raymond Sheen (“Sheen Declaration”), the issues raised in Odyssey’s Motion will overlap significantly with the issues raised in Plaintiffs’ Motion.
5. To streamline the briefing of the Cross-Motions, and reduce the overall number of briefs submitted to the Court, the Parties seek to extend and coordinate the briefing schedules and hearings for Plaintiffs’ Motion and Odyssey’s Motion for the reasons set forth in the Sheen Declaration.
6. The Parties believe that the requested time modification will not have any effect or impact on the schedule for the case or the hearing on the two motions. The parties do not seek to

1 extend the present hearing date of August 31, 2012.

2 THEREFORE the parties stipulate to and request the Court's approval of the following
3 briefing and hearing schedule in connection with Plaintiffs' Motion and Odyssey's Motion:

4 Odyssey's Filing of Combined (a) Opposition 5 to Plaintiffs' Motion; and (b) Odyssey's 6 Motion	July 20, 2012
7 Plaintiffs' Filing of Combined (a) Reply re 8 Plaintiffs' Motion; and (b) Opposition to 9 Odyssey's Motion	August 3, 2012
10 Odyssey's Filing of Reply Brief re Odyssey's 11 Motion	August 10, 2012
12 Hearing on Plaintiffs' Motion and Odyssey's 13 Motion	August 31, 2012

14 **IT IS SO AGREED.**

15 Dated: June 12, 2012

COLLIAU ELENIOUS MURPHY
CARLUCCIO KEENER & MORROW

16 By: /s/ Robert C. Christensen
Robert C. Christensen

17 Attorneys for Plaintiffs
18 VALLEY FORGE INSURANCE
19 COMPANY and CONTINENTAL
CASUALTY COMPANY

20 Dated: June 12, 2012

JONES DAY

21 By: /s/ Raymond H. Sheen
22 Raymond H. Sheen

23 Attorneys for Defendant and Cross-Claimant
24 ODYSSEY THERA, INC.

The case management conference is CONTINUED from August 31, 2012 to October 5, 2012 at 1:30 pm.

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 DATED: June 13, 2012

27 
28 THE HONORABLE JEFFREY S. WHITE
U.S. DISTRICT COURT JUDGE